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ABSTRACT

This report analyzes and critiques the Chicago (Illinois) Board of Education's implementation of the administrative initiatives regarding the prevention of within-school segregation under a court-mandated desegregation plan. The board was required to ensure that students did not become resegregated after implementation of the desegregation plan. The board committed itself to a process that would result in no classroom in any school deviating by more than 20 percent from the racial/ethnic composition of the age cycle, grade, school, or program from which the classroom draws its student population, unless educationally justified. Principals were held responsible for either reassigning students in classrooms that were not in compliance or justifying the noncompliance on educational grounds. The commission agreed with the board's administrative process, but made recommendations that focused on improvements in reporting and opening the review of noncompliant classes to commission members. A chart summarizing the review is appended. (FMW)

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Monitoring Commission for Desegregation Implementation

Monitoring Commission Report on the PREVENTION OF WITHIN-SCHOOL SEGREGATION in the Chicago Public Schools under the Student Desegregation Plan

For the
Subcommittee on Magnet Schools and
Student Transfer Option

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Mary Davidson

Monitoring Commission Report
on the
PREVENTION OF WITHIN-SCHOOL SEGREGATION
under the Student Desegregation Plan
in the Chicago Public Schools

This report was prepared under the direction of Mary Davidson, who provided the plan for the research and analyses to be undertaken. The research and preliminary analyses were carried out by Calvin Smith. His preliminary draft to the Monitoring Commission has been reorganized in part to constitute most of the text presented here.

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I. INTRODUCTION AND BACKGROUND

This report contains the analysis and critique of the Chicago Board of Education's implementation of the administrative initiatives regarding the prevention of within-school segregation.

Under the September, 1980, Consent Degree between the United States Department of Justice and the Board of Education of the City of Chicago, the Board's desegregation plan was to "contain provisions to ensure against resegregation of students after implementation." This section (10.0) of the Consent Decree spoke to three major areas of resegregation that the plan was to ensure against. Subsection 10.1 contained the specific language at focus here, within-school segregation.

> In-School. The plan shall include provisions to ensure that students attending desegregated schools are not resegregated within their schools without adequate educational justification. This provision shall apply to the assignment of students to classrooms as well as to programs of instruction.

The Board of Education responded to this area of The Decree in the Student Desegregation Plan by reaffirming its intention to prevent educationally unjustifiable within-school segregation. (See pages 302-305 of the January 22, 1982, Comprehensive Student Assignment Plan.) The Board committed itself to an annual review/compliance process which would result in no classroom in any school deviating by more than 20 percent from the racial/ethnic composition

of the age cycle, grade, school, or program from which the classroom draws its student population, unless educationally justified. This statement was based on a November 19, 1980, Board policy and its 1981 Emergency School Aid Act eligibility statement.

The Board specifically stated the annual process it would follow in ensuring compliance with this area of the Consent Decree. That process contained the following steps.

(1) Each year during the term of the plan the Board will distribute instructions to school principals concerning the organization of classes in such a manner that will prevent educationally unjustified classroom racial separation.

(2) In October of each year the Board will conduct a survey of classroom enrollment data and ascertain which classrooms deviate by more than 20 percent from the relevant racial ethnic composition.

(3) Schools containing out-of-compliance classrooms would be directed to provide an educational justification of such deviations.

(4) Classrooms without adequate educational justification would be required to be reorganized before the beginning of the second semester.

The Board made its annual report to the Court on this matter as part of the May, 1984, Annual Desegregation Review of the Student Assignment Plan (see pages 112-119).

III. 1983-84 BOARD INITIATIVES IN PREVENTING WITHIN-SCHOOL SEGREGATION

In preparation for the 1983-84 school year, the General Superintendent's Bulletin of March 8, 1983, contained a policy reminder notice for all principals regarding this issue of within school segregation. Principals were reminded of (1) Board policy on the matter, (2) the nature of the 20 percent standard in the Desegregation Plan, and (3) their responsibilities under the aegis of the Plan. This reminder was followed by a second Policy Reminder Notice in the September 6, 1983, General Superintendent's Bulletin. This "reminder" summarized the March 8, 1983, notice and in addition spelled out the fact that any out-of-compliance classroom would need to be educationally justifiable or pupils would need to be reassigned within the school to eliminate any found deviation.

Using the October 31, 1983, elementary pupil head count data and the high school computerized pupil program file the Board determined that there were 1,764 classrooms which deviated from the ± 20 percent standard. On December 12, 1983, 137 building principals were notified of their out-of-compliance classrooms and were asked to supply educational justifications for them to OEEO by December 21, 1983. These school reports were reviewed in during January-February by District Superintendents and then by a three-member OEEO review committee. Of the 137 school reports 117 were confirmed by the committee as being compliant, with 20

requiring additional review. The ADR commentary describes the follow-up school visitations and recommendations made by the OEEO review committee.

The Board process determined the number of classrooms to be non-compliant at the elementary level to be 324 and at the high school level to be 1,440. The May, 1984, ADR reports the educational justification for all these classes by category of justification and indicates that eight elementary classes and 79 high school classes were reorganized into a compliant racial/ethnic composition, the remainder of the classes being educationally justified.

The Board concludes its narrative on this process by indicating that the successful nature of these procedures warrants little modification for future years. Indicating that in the up-coming school year, the staff of buildings with large numbers of non-compliant classes will receive specific inservice on the issue and that such schools will receive attention via special requirements.

III. MONITORING COMMISSION'S OVERALL EVALUATION

The Commission staff has reviewed Board documents and data, has held discussions with OEEO staff involved in the procedures involved, and has reviewed OEEO data summaries with regard to the 137 schools with initially out-of-compliance classes and the educational justifications for same.

Based on the reporting sheets submitted by the individual schools, the Board's calculation of the classrooms out of compliance is accurate. The Office of Equal Educational Opportunity completed fulfilling Commission data requests on June 8, 1984, and the Commission is able to respond.

First, there are 25 separate educational justifications which may be used to support a noncompliant class. These are catalogued into three major groupings and are listed below.

GROUP I

1.0	Administrative Limitations
1.1	Data Correction
1.2	Non-Categorical Pre-School Classroom
1.3	Physical Education (Team Sports)
1.4	Single Section Offering (Required Course)
1.5	Single Section Elective Offering
1.6	Multiple Section Elective Offering

No further justification required except for 1.0 Administrative Limitations, 1.1 Data Correction, and 1.6 Multiple Section Elective Offering - (See Guidelines).

GROUP II

2.0	Blind and Partially Sighted
2.1	Deaf and Hard of Hearing
2.2	Educable Mentally Handicapped
2.3	Trainable Mentally Handicapped
2.4	Emotionally Disturbed Children
2.5	Learning Disabilities Classroom
2.6	Physically Handicapped Room
2.7	Early Remedial Approach
2.8	Other Special Education (Specify)

No further justification required.

GROUP III

3.0	Gifted Classroom
3.1	Honors Program
3.2	Advanced Placement
3.3	E.S.E.A. Classes
3.4	Options for Knowledge
3.5	T.E.S.L. Classroom
3.6	Bilingual Classroom
3.7	Remedial Classrooms (Non-Special Education)
3.8	Other special purpose grouping (Specify)

A factual basis for justification must be provided for all Group III codes, including measuring techniques and other objective criteria used for placement.

Group II codes are not debatable in large measure. They are special education classes and are totally dependent on the racial/ethnic composition of their school's population. They fall under the rubric of program population contained in the January, 1982, Desegregation Plan which is covered by the Consent Decree. One can debate why certain special education populations are racially/ethnically comprised as they are, especially high-incidence programs; but, once constituted, classes reflect localized populations.

Group III classes are also understandable and defensible. They exist for the educational benefit of students. The United States Office of Civil Rights, which helped design these justifications, condones such exemptions if documented. They are condoned by the Consent Decree. Again, one may quarrel with the way students are placed or not placed in these programs. But they clearly exist for educational benefit and as long as the placement procedures remain as they are these classes will need to be exempted from racial/ethnic composition standards. The quarrel, if any, is not with the exemption of the classes or with the education-benefit principle underlying the exemption. The quarrel must be leveled at the manner in which a population is initially defined. The Commission believes that motives for placement and the procedures permitting placement in these Group II programs are in need of continuing scrutiny to ensure that educational benefit is the only placement principle being used in these programs. But, it also believes these classes should be exempt from racial/ethnic standards.

Group I justifications probably provide the greatest level of discomfort to the Commission, but not in all cases. Single selection courses are a devilment to all high school administrators. Too few students select an elective, only one course section can be justified, and the racial/-ethnic composition is self-defined. The same is true of required courses when too few students schedule the course.

Proactive counseling programs often help in the elective courses when it becomes clear only one race or ethnic group is interested in the course and the course has educational benefit. The onus of added effort belongs there so that certain electives do not become labeled "For _____ only" and are perceived by others not to be compatible with their high school education.

This malaise needs to be closely monitored or several sections of the same elective become racially/ethnically-isolated and therefore out of compliance. This latter case is also an educational justification, 1.6, from the ± 20 percent standard. Whether this should be prolonged in the absence of proactive counseling is questionable. Of course, the nature of the course offering in question is of significance but not nearly as much as its racial/ethnic attractiveness. Justifications 1.0 and 1.1 Administrative Limitations and Data Correction are of greatest Commission concern. Data Correction is a necessary release valve. Course enrollments do change and errors in head counts sometimes occur. But, in the case of data correction, a class is allowed to come into compliance due to enrollment changes that occur between October 31 and December 21 and is dropped from the out-of-compliance listing after review. But, is it not also possible that "data corrections" could cause a class in compliance on October 31 to fall out of compliance by December 21? This is a concern for which a

corrective action should be found unless it is clear that only classes out-of-compliance as at October 31 of any year will be reviewed. Then any data correction should be site-verified by OEEO. Mistakes in October counts should be verified as well.

Administrative limitations are not plural but singular. One reason exists at the elementary level and one at the high school level. Why these are not just listed as the justification statements should be explored. At the elementary level there may be too few pupils to go around at a particular grade or in a particular program; thus, putting one class into compliance would result in putting the other section(s) out of compliance. This is logical and sensible.

At the high school level a class is allowed to remain out of compliance for "administrative limitations" if the schedules of students in the class cannot be changed to bring a class into compliance in that the result would be to deprive students of other classes they need and/or selected. This latter case at the high school level needs close scrutiny by OEEO lest the Board be accused of permitting curriculum tracking to racially imbalance classes. Careful, verifiable documentation of these high school exemptions should be made by principals to OEEO. Presently this documentation is incomplete. For example, principals enter the justification codes with little or no explanation.

The Board lists inservice training as a mechanism for reducing the incidence of within-school segregation and for overcoming racially/ethnically noncompliant classes. The Commission supports this strategy but suggests also that these sessions be specifically designed for each group of educational justifications and also suggests that "question and answer sessions", though helpful, do not in and of themselves constitute inservice.

With regard to the OEEO review panel, the Commission finds that this technique is successful and should be continued. However, the Commission would appreciate being able to observe a few of the sessions this panel schedules just to become more familiar with its actual workings.

Last, the Commission does not believe that the number of out-of-compliance classes which were reported in the May, 1984, ADR to be large nor to be alarming in nature. See Table 1 below, which provides the necessary data to compare the number of classes reorganized and the number of classes not meeting the relevant standard but for which acceptable educational justification was provided.

Table 1
Total Classes By Deviations

	Maximum Possible Deviations Total Classes *	Total Classes Originally Out of Compliance	%	Classes with Acceptable Educational Justification	%	Classes Reorganized to Meet Relevant Standards	%
HIGH SCHOOLS	14,300	1,440	10.1	1,361	9.5	79	.5
ELEM. SCHOOLS	6,300	324	5.1	316	4.9	8	.1
TOTALS	20,600	1,764	8.6	1,677	8.1	87	.4

* An approximation.

As indicated only about 10.1 percent (1,440) of the projected 14,300 high school classes did not meet the relevant standards. Of these, 1,361 provided acceptable educational justification.

Of the estimated 6,300 elementary classes, only 5.1 percnet did not meet the relevant standards.

Overall, of the approximately 20,600 classrooms in the 244 schools with minority or non-minority school-wide populations in the range of 20 to 95 percent that could have a deviation, only 8.6 percent or 1,764 classes were originally out of compliance.

IV. MONITORING COMMISSION'S RECOMMENDATIONS

Though strongly agreeing with the administrative process used by the Board with regard to justifying and/or reorganizing racially isolated classes in desegregated schools, the Commission has recommendations which may improve the accountability of the Board in this area.

(1) The Board should indicate in which direction from the ± 20 percent standard a class is out-of-compliance.

Presently the Board reports the number of classes which are out-of-compliance with the ± 20 percent standard. They do so by type of individual educational justification. They should also indicate which classes are too minority and too nonminority populated. This would go a long way toward dispelling the perception held by some segments of the school district that these classes are all-minority in composition.

(2) The Board should list by title elective courses that are out-of-compliance.

The Board should consider giving a limited set of examples of single and multiple section electives which are out-of-compliance. This information would lend credence to the use of such a justification, especially the multiple section elective. Dispelling the latent notion of tracking could most likely occur.

(3) The Board should discontinue the use of "data correction" as a justification for out-of-complianc classes and initiate a new term for these cases.

Changing enrollment from one school month to another will not only put a class into compliance, it could also take a class out of compliance. The Board is only concerned about classes out-of-compliance on a certain date at any rate. Data correction does not communicate changing enrollment; it communicates correction of a data entry. For these cases the term "data correction" should be retained. However, in this latter case OEEO staff should site-visit the school and verify the class count given with the class teacher's record book.

(4) The Board should continue using specifically designed inservice meetings with the staff of schools with excessive numbers of out-of-compliance classes and priority should be given to high schools.

OEEO-sponsored inservice meetings on within-school segregation are of benefit to the Board's effort in reducing within-school segregation. They should be continued. However, careful design of such experiences are needed. They should be customized to speak to the type of scheduling problems a given school is incurring.

In the May, 1984, ADR the Board listed inservice sessions that appear to be question and answer sessions. This type of activity is helpful but not complete. These

sessions should be scheduled by themselves but in conjunction with more meaningful focused inservice efforts.

(5) The Board should open the OEEO panel review process to the Monitoring Commission.

Though the Commission requested non-participant observer access to the OEEO panel out-of-compliance review process, access was denied. The Board could shed itself of innuendo regarding within-school segregation if this observation access were granted.

APPENDIX A

A Summary Review of Board of Education Initiatives With Regard to The Prevention of Within-School Segregation

WITHIN-SCHOOL DESEGREGATION

DESEGREGATION PLAN INTENT (a)	BOARD COMPLIANCE EFFORTS (b)	COMMISSION FINDINGS (c)
1. Each year during the term of the Plan the Board will distribute instructions to school principals concerning the organization of classes in such a manner that will prevent educationally unjustifiable classroom racial separation.	The March 8, 1983 General Superintendent's Bulletin. The September 6, 1983 General Superintendent's Bulletin.	These Bulletins adequately comply with the Plan's provision. The early spring reminder to principals is timely in terms of initial student course scheduling for the succeeding school year.
2. In October of each year the Board will conduct a survey of classroom enrollment data and ascertain which classrooms deviate by more than 20 percent from the relevant racial/ethnic composition.	In November the Board analyzed the October 31, 1983 elementary pupil head count data and the high school computerized pupil program file and determined that there were 324 elementary classes and 1440 high school classes in 137 schools that were out-of-compliance with the ± 20 percent standard	Commission staff review of these data and subsequent discussion of these findings with OEEO staff have revealed that the Board is in compliance with the Plan's provision. Technically the Board is out of compliance on a timing point in that out of compliance classes are to be ascertained in October of each year. However, the strike at the beginning of the year must be considered at this point. The commission finds no fault.
a January 22, 1982 Comprehensive Student Assignment Plan	b May, 1984 Annual Desegregation Review d Memo data from OEEO dated May 15, 1984	c August, 1984

DESEGREGATION PLAN INTENT (a)	BOARD COMPLIANCE EFFORTS (b)	COMMISSION FINDINGS (c)
3. Schools containing out-of-compliance classes would be directed to provide an educational justification for such deviations.	The December 12, 1983 memo from OEEO to the principals of 137 schools with out-of-compliance classes directing them to provide educational justifications for these classes by December 21, 1984.	The Board is in compliance with this provision of the Comprehensive Student Reassignment Plan.
4. Classrooms without adequate educational justification would be required to be reorganized before the beginning of the second semester.	OEEO convened a 3-member review panel to determine the adequacy of each of the 137 school submissions. Of the 137 school-based justification documents 117 were determined to be adequate while 20 required additional follow-up by the review panel. It would appear that all 137 eventually were certified by the review panel as acceptable. In all, 8 elementary classes required reorganization with the remaining being reported as being educationally justified.	This OEEO adminsitrative process has resulted in the Board being in compliance with this Plan provision. However, the May, 1984 ADR is not clear as to whether or not all class reorganizations occurred before the beginning of second semester. This may be a simple oversight on behalf of OEEO. In future ADR narratives such certification of reorganized classes should be stated.
5. The Board would conduct inservice for the staff of schools with out-of-compliance classes in order to assist in the eventual elimination of educationally unjustifiable classes.	Pages 117-118 of the May, 1984 ADR list eight inservice dates where staff and parents of the Chicago Schools received information related to this process.	The Board is in compliance with this provision of the Plan. The inservice meetings held were timely in terms of dates and topics. The audiences were those in need of the information at the time it was given.